



Michael D. "Matt" Matthews, Jr.
Partner
1001 Fannin Street, Suite 2400
Houston, TX 77002
Ph: 713.337.8879 // F: 713.333.8859
matt.matthews@mhllp.com

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Via CM/ECF

The Honorable Allyne R. Ross
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *Mirkin, et al. v. XOOM Energy, LLC, et al.*; No. 18 Civ. 2949 (ARR) (RER)

Dear Judge Ross:

Counsel for Defendants submit this letter motion requesting a short, three business-day extension of their upcoming deadline to serve their motion for summary judgment from March 3, 2023 to March 8, 2023. Counsel for Plaintiffs consent to the requested extension.

On January 6, 2023, the Court entered a schedule for summary judgment briefing, under which Defendants' deadline to serve their motion for summary judgment is currently set for March 3, 2023. Defendants have not previously sought an extension of the summary judgment deadline, so no requests have been granted or denied. The requested extension is necessary because Defendants' lead counsel had a family medical emergency that required his wife to be hospitalized since February 27 (and she is expected to be released today). As such, counsel could not devote the time necessary to finalize the motion the week it is due.

For these reasons, counsel for Defendants respectfully request that the Court extend the deadline to serve Defendants' motion for summary judgment from March 3 to March 8. We appreciate the Court's consideration of this request.

Respectfully submitted,

/s/ Michael D. Matthews, Jr.

Michael D. Matthews, Jr.
MCDOWELL HETHERINGTON LLP
1001 Fannin Street, Suite 2400
Houston, Texas 77002
Tel: (713) 337-8879
matt.matthews@mhllp.com

Counsel for Defendants